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APR 16 2004

OFFICE OF PETITIONS

In re Application of
Mayer, Michael G.
Application No. 09/613,418
Filed: July 10, 2000
Attorney Docket No. 85773-227

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 7, 2004, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed September 5, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 6, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on April 7, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 2600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>4/15/04</u>		2 Serial/Patent # <u>09613418</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
<input type="checkbox"/>	Filing		\$							
<input type="checkbox"/>	Amendment		\$							
<input checked="" type="checkbox"/>	Extension of Time	# <u>6</u>	4/7/04 \$ <u>950.00</u>							
<input type="checkbox"/>	Notice of Appeal/Appeal		\$							
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		7 TOTAL AMOUNT OF REFUND \$ <u>950.00</u>								
10 REASON:		8 TO BE REFUNDED BY:								
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Treasury Check							
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; text-align: center;"> <tr> <td>1</td><td>9</td><td>--</td><td>2</td><td>5</td><td>5</td><td>0</td> </tr> </table>		1	9	--	2	5	5	0
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<u>EOT filed outside maximum extendable timeframe.</u>										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Liana Chase</u>		TITLE: <u>Paralegal</u>								
SIGNATURE: <u>[Signature]</u>		PHONE: <u>306-0482</u>								
OFFICE: <u>Petition</u>										
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